

## **EXHIBIT 9**

## Zavalkoff-Babej, Erin

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**From:** Vitale-Rullo, Maria  
**Sent:** Tuesday, February 01, 2011 6:25 PM  
**To:** Zavalkoff-Babej, Erin  
**Subject:** FW:10579987(2) 20100812 1810  
**Attachments:** 10579987(2) 20100812 1810.docx

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**From:** John Maher [mailto:John.Maher@NGSC.ORG]  
**Sent:** Thursday, August 12, 2010 6:13 PM  
**To:** Zavalkoff-Babej, Erin  
**Cc:** Etheridge, Derek; Simpson, Charles E.  
**Subject:** 10579987(2) 20100812 1810

We should review certain items tomorrow AM...

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## FREQUENTLY ASKED QUESTIONS FOR CALL CENTER

### Supplier Questions

#### General Questions

1. **What is Chapter 11?**

Chapter 11 of the U.S. Bankruptcy Code is a legal mechanism for court supervised reorganization for restructuring of the hospital's obligations. It also provides a mechanism for the orderly liquidation or transfer of the hospital's assets and affiliated operations.

2. **Why did Hospital and the Diagnostic and Treatment Center (the Hospital) file to reorganize under Chapter 11 of the U.S. Bankruptcy Code?**

The Hospital is taking this action because there are no viable resources for the additional funding required to maintain the hospital and meet operating costs. The hospital also tried several times to partner with third parties in an attempt to reorganize their operations and stave off bankruptcy however, these third party proposals that were unsuccessful.

The Hospital took this step only after very careful consideration and consultation with experienced financial and legal experts. The Hospital decided that this would be the most effective path for Hospital to transfer its facilities to another entity and for that new entity to establish a health care facility that would continue to provide medical services to the East and Central Harlem communities.

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3. **Does this mean that the Hospital is going out of business?**

Yes, North General and its Emergency Room were closed as of July 10, 2010

**Does the Hospital have enough cash to stay in business?**

No, however, North General lined up and received final approval of its Debtor-in-Possession loan, which will be available to fund the North General's Closure Plan and provide for the orderly and efficient closure and or transfer of the hospital's facilities and operations. A final order approving the DIP Facility was entered by the Bankruptcy Court on August 3, 2010.

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**How long will the bankruptcy process take?**

There is no way to predict today with certainty how long the process will ultimately take, though cases frequently range from one to two years.

4. **Which entities are included in the filing?**

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Please refer to the Hospital's restructuring website at:  
<http://chap11.epiqsystems.com/NGH/Project>.

**5. Where can I find Chapter 11 case information?**

Please refer to the Hospital's restructuring website at:  
<http://chap11.epiqsystems.com/NGH/Project>.

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**Supplier Specific Questions**

**6. Will suppliers continue to be paid for goods and services they provide to the Hospital?**

The Hospital intends to pay suppliers under normal terms for goods received and services rendered after July 2, 2010 (the Petition Date). Any claims for goods received or services rendered after the filing date are considered "administrative claims", which receive a priority status. At the First Day hearing held on July 7, 2010, the Court granted the Hospital interim approval to access up to \$4.5 million of the DIP financing. Then on August 3, 2010, the Bankruptcy Court gave the hospital final approval to access up to \$14 million of DIP Financing. A Portion of this amount will be used to pay suppliers for post-Petition Date goods and services

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Suppliers who provided goods or rendered services to the Hospital prior to the Petition Date) may have what are referred to as "pre-petition claims." These claims cannot be paid at this time and will be addressed through a Chapter 11 plan of reorganization (liquidation) that will be filed later in the case. If you have such pre-petition claims, you will receive additional information from the Hospital's claims agent at a later date. The Hospital sincerely regrets the hardship or inconvenience that this may cause.

**7. I have unpaid invoices dated before the bankruptcy date (i.e., pre-petition invoices). What should I do?**

Once the Bankruptcy Court has confirmed the procedures and deadlines for filing claims, you will receive a proof-of-claim form and instructions on how to file the form.

**8. Will I need a claim form, or will I automatically be paid for the outstanding, pre-petition amount owed to me?**

At some point in the case, every creditor will receive a copy of a Bar Date Notice which will be accompanied by a proof of claim form with instructions as to deadlines, etc. If you have any questions regarding filing a claim, please seek legal counsel.

**9. Why can't the Hospital pay me what I am owed?**

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United States bankruptcy laws generally prohibit the payment of all unpaid invoices incurred before the hospital filed for relief under Chapter 11 of the Bankruptcy Code. The Hospital sincerely regrets the hardship or inconvenience that this may cause you.

**10. Why should I continue to provide the Hospital with goods and services if I have pre-petition claims?**

There is priority status of post-petition claims - Amounts owed for goods or services delivered after the bankruptcy filing are deemed "administrative liabilities." The Judge overseeing the case requires the Hospital to pay all administrative liabilities under the terms and conditions governing the transaction. Simply stated, the Hospital must pay for goods and services that it receives in the ordinary course of business after the filing. Also, it is important to understand that pursuant to the United States Bankruptcy Code, suppliers are required to fulfill all contractual obligations to the Hospital.

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**11. What is my current balance? What is my pre-petition balance?**

The Hospital cannot provide current balances outstanding at this point because the Hospital is in the process of reviewing all of its records and separating pre- and post-petition invoices. However, within the next few days, the Hospital will be filing a "Schedule of Assets and Liabilities." In this document, the Hospital will list balances it believes are owed to its creditors. If you have further questions about this, please contact your attorney.

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**Comment [11]:** Is this WMLM or Garfunkel? ASK DEREK TO CONFIRM

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**12. Can't you just give me some idea of how much I will get paid on the past bills?**

While the Hospital cannot promise what the amount of payout will be on your claims, you can be sure that the Hospital will do everything it can to achieve the maximum recovery for all creditors. The Hospital sincerely regrets the hardship and inconvenience that this may cause you.

**13. Is it true that suppliers with outstanding pre-petition claims only get a few cents on the dollar for unpaid invoices?**

At this time, the Hospital is not able to estimate what value a general unsecured claim will have in its Chapter 11 cases. The Hospital sincerely regrets the hardship and inconvenience that this may cause you.

**14. If the Hospital can't pay me for pre-petition invoices, what assurances can be provided that I will be paid for post-petition goods and services?**

Under U.S. Bankruptcy Law, all claims for goods and services delivered on or after the filing date (the Petition Date) are considered administrative claims against the Hospital's bankruptcy estate. This means that the Hospital is allowed—and indeed obligated—to pay you in full and according to normal terms. The Hospital will be generating some cash flow through its collection on its patients' receivables and has also lined up and

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received approval for a "DIP" financing facility with a \$14 million loan commitment. These funds will be available to satisfy obligations associated with conducting the Hospital's businesses, including payment under normal terms for goods and services provided after the filings.

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**15. Will the Hospital attempt to negotiate new terms now that it has filed?**

The Hospital will continue to review the benefits and opportunities it has to improve its overall supplier relationships in the normal course of business. This will depend on the goods or services individual suppliers provide and the terms in place at the time of filing. The Hospital would anticipate that all supplier terms will be at normal market levels.

**16. Given the uncertainties of the situation, can I renegotiate my terms with the Hospital?**

The Hospital cannot pay more for goods and/or services at this time.

**17. When will I receive payment for goods and services delivered after the bankruptcy date?**

All goods and services delivered after July 2, 2010 will be paid according to established terms.

**18. What if I only want to be paid cash on delivery?**

The Hospital will continue to pay supplier invoices under customary terms. The Hospital believes it is in the best interests of its suppliers to maintain business as usual.

**19. Can I take back my goods?**

No. The Hospital understands your frustration, but bankruptcy law prohibits a seller from repossessing goods after a purchaser has filed for bankruptcy protection. The Hospital recommends that you consult with your legal counsel before taking any such action.

**20. Can I raise my product prices?**

The automatic stay provision associated with Chapter 11 filings prevents you from raising your prices in an effort to recoup pre-petition claims. Should you have a business reason to raise prices other than the Hospital's filing itself, you can communicate with your usual contact at the Hospital who will collect the requisite information from you and determine if a price change can be approved.

**Comment [12]: Is this Garfunkel?**

**Deleted:** <#>I understand that companies that file for Chapter 11 are able to put some suppliers on a "Critical Vendors List" that allows them to continue to be paid under normal terms, even for invoices that are unpaid at the time of the filing. How can I get on that list? ¶  
<#>A motion will be filed seeking to pay the prepetition claims of certain vendors. Although the Hospital feels as if all of its suppliers are "critical," the courts have placed very strict parameters on those vendors that can be paid at this time. If you feel as if you meet these parameters you should contact your legal counsel and they should write a letter to the Hospital's General Counsel explaining why you think you qualify. Please not that due to the fact that the hospital is now closed there will likely be very few vendors that qualify as "critical" under the Bankruptcy Code. ¶

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### Utility Specific Questions

**21. Do you intend to pay my pre-petition balance?**

Unfortunately, federal bankruptcy laws generally prohibit the Hospital to pay outstanding invoices for goods and services received before the Petition Date. The hospital sincerely regrets the hardship this may present you.

**22. If you don't pay my balance, the Utility Company will discontinue services.**

The Hospital filed a motion in the Bankruptcy Court addressing how to provide utilities with adequate assurance to ensure continued service. A copy of the motion is available via a link at <http://chap11.epiqsystems.com/NGH/Project>.

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### Contract Labor Specific Questions

**23. I provide contract employees to the hospital. Will I get paid?**

Payment of your pre-petition amounts may be covered under the wage motion. A copy of the motion is available at the Hospital's restructuring website at: <http://chap11.epiqsystems.com/NGH/Project>. The Hospital expects you to honor your contract and continue to provide the employees and services provided pre-petition. [THIS IS NOT ACCURATE PLEASE CONFIRM]

### What it Means for Employees

**24. Will there be layoffs as a result of the filings? Will any departments be closed?**

Yes, North General has provided WARN (Worker Adjustment and Retraining Notification) notices to a total of 941 of Hospital employees informing them that they will be laid off.

**25. Should I keep coming to work as usual? Does this mean that my work schedule will change?**

For those employees who did not receive a termination notice, you should keep working according to your usual schedule.

**26. Have any special trustees, receivers or other third parties been added to the Board as a result of the filing?**

No.

**Deleted:** There have been no changes in the Hospital's Board of Directors as a result of the filings

**27. Where should employees go for information about the reorganization?**

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Information about the reorganization is posted on the following web site (<http://chap11.epiqsystems.com/NGH/Project>).

**28. I am a temporary employee. Will I still get paid?**

The Hospital plans to continue paying those temporary employees it continues to retain in the postpetition period as usual.

**29. I am a contractor. Will I still get paid?**

The Hospital plans to continue paying those independent contractors it continues to retain, in the postpetition period as usual.

**30. I am a consultant. Will I still get paid? Will I be treated as a temporary employee or as a vendor?**

Consultants will be paid as usual for all post-petition work performed. Regarding any outstanding fees that have not been paid, information for general unsecured creditors is available on the Hospital's restructuring website at <http://chap11.epiqsystems.com/NGH/Project>.

**Wages and Benefits**

**31. Does the Hospital have enough cash to meet its payroll and benefit obligations?**

Yes, the Hospital plans to continue paying post-petition wages and benefits for worked time.

**32. Will there be any changes in employee pay going forward?**

The Hospital expects that the proceedings will not affect its current pay policies.

**33. Will overtime still be offered?**

In some cases, overtime may be offered.

**34. Can I still file my medical and dental insurance claims?**

Yes. You can and should file your claims as you normally would.

**35. I am a U.S. employee, will COBRA benefits still be provided to employees if they are separated from the hospital after the filing?**

**Comment [13]:** Delete entire section.

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**Comment [14]:** ???? SPEAK TO DEREK ABOUT THIS

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**Comment [15]:** ??? My answer would be "Yes, payroll will end on X"

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**Comment [16]:** ??? My answer would be No.

**Deleted:** Yes, as required. As is typical in Chapter 11 cases, the Hospital expects that the proceedings will not affect its current compensation policies

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**Comment [17]:** Was this discussed at hearing??? DISCUSS WITH DEREK

**Comment [18]:** ????

**Deleted:** <#>Will the filings affect employee health care benefits (such as medical, vision or dental plans) and employee life insurance or disability benefits for U.S. employees? ¶  
<#>The Hospital asked and received Bankruptcy Court for approval to continue its current policies with respect to these matters. If the Hospital makes changes to such policies these changes will be announced through the normal communication channels.¶

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Yes. The Hospital expects that COBRA continuation coverage will continue.

### **Paychecks and Expense Claims**

#### **36. Am I going to be paid as usual now that the Hospital has made these filings?**

The Hospital plans to continue providing all wages.

#### **37. When will I next be paid?**

There will be no delay in your next paycheck or direct deposit, and expense reimbursement will be made as usual.

#### **38. Will there be anything different about Hospital's paychecks as a result of the filings?**

No

#### **39. Will my bank/credit union still accept my paycheck or direct deposit?**

Every paycheck issued or direct deposit made by the Hospital should be honored. However, if you experience any problems cashing your paycheck or having an institution honor your direct deposit, please contact the Human Resources Department at 212 423-2363

#### **40. Can I continue to charge my business expenses?**

Yes. You may do so as you have in the past, following the same procedures for submitting any qualified business expenses in accordance with hospital policy.

### **Retirement Benefits/Hospital 403(b) Plan**

#### **41. Are the assets in 403(b) plans for employees protected from creditors' claims in the bankruptcy proceedings?**

Yes. Federal law protects the funds in 403(b) savings plans from the claims of a hospital's creditors. All individual 403(b) accounts are set up in the individual employee's name. This means that the Hospital cannot use these assets to meet its other obligations or to pay its debts.

#### **41. What happens to the accounts of employees who are participants in the 403(b) Plan?**

The assets in its 403(b) plans are held in a trust. These assets are protected under federal law against the claims of the Hospital's creditors, which means that the Hospital can't use any of these assets to meet other obligations or to pay its debts. While the Hospital could make changes to such a plan during the reorganization proceedings, those changes would

**Comment [I10]:** DE suggested on Fri, 7/2 that last paychecks were going out on 7/2.

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**Deleted:** Yes, the words (or letters) "Debtor In Possession" (or DIP) may appear on your check (s).

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**Comment [jm13]:** Yes, it is still accurate.

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only affect future contributions to the plan, not past contributions. Irrespective of the filings, all investments contained in an individual's 403(b) account are subject to some level of market risk.

**42. Now that the Hospital has made these filings, can employees access their 403(b) account funds before retirement without incurring penalties?**

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No. The IRS rules for 403(b) withdrawals remain in place and will not change as a result of the Hospital's filings.

Comment [jm14]: Confirm

**43. Will the Hospital continue to make the hospital match contribution for the 403(b) plans?**

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The Hospital intends to continue the Hospital's contributions for those 403(b) plans that currently have such a match.

Comment [jm15]: Confirmed to pay match.

**44. Are the assets in Hospital's pension plans protected from creditors' claims in bankruptcy proceedings?**

Comment [I16]: JOHN CONFIRM STATUS .

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Yes. Federal law protects the assets in qualified defined pension plans from the claims of a hospital's creditors. The assets are held in trust. This means that the Hospital cannot use these assets to meet its other obligations.

**45. Is it true the pension plan is underfunded? As a result, will the PBGC (Pension Benefit Guaranty Corp.) take over the plan?**

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At this point it is likely that the PBGC will take over the pension plan.

**46. Is it true that if the PBGC takes over my qualified defined benefit pension plan, I may receive a smaller pension than I am entitled to?**

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Comment [I17]: No.

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The Pension Benefits Guaranty Corporation has a web site that explains what happens when they assume responsibility for a qualified defined benefit pension plan.

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**Deleted:** The Hospital has asked for court approval to continue its current policies with respect to these matters. As is customary in similar cases, the Hospital fully expects the Court to approve its request. If the Hospital makes changes to such policies in connection with cost-reduction efforts, any changes would be announced through its normal communication channels.No!

**Miscellaneous Policies and Practices**

**47. Will employees continue to receive disability, holidays and vacation pay?**

Yes.

**Comment [I18]:** How do we want to answer this? I think we are contemplating applying for modifications to our union contracts sometime in the future of this process, but do we want to let them know now?

**Unions**

**48. What happens now with the unions' collective bargaining agreements? Will you begin negotiations to change them?**

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The current collective bargaining agreements will more than likely be renegotiated.

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**Have you spoken to our major unions about this action? What did they say?**

The Hospital has discussed the current situation with the leadership of the Hospital's unions. The Hospital is committed to keeping them informed of events and actions as it goes through the process.

**Comment [119]:** ????

### **Inactive Employees**

**49. I am on a leave of absence. Before beginning my leave, my supervisor told me that when I returned, I would be reinstated to the job I previously held, or if that position were eliminated, that I would be reinstated in a similar position. Now that Hospital has made these filings, does that still apply?**

**Comment [120]:** Need to confer with client on these issues.

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No. The hospital has ceased operating and has been closed since July 10, 2010

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**I am receiving severance from the Hospital. How are my severance payments affected by the filings?**

The Hospital plans to honor CBA-related payment of severance wages to Union employees.

**Comment [121]:** We need to confer with the client on these issues.

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### **Retiree Questions**

**50. Will I continue to receive my monthly pension check from the Bank of New York?**

As a member of either the Hospital Pension Plan for Salaried Employees or the Hospital Pension Plan for Hourly Employees, you will continue to receive your monthly pension check as usual at this time. The Bank of Bank of New York will continue to mail your check directly to your home or deposit the sum directly into your bank account.

**51. Is it possible that the Hospital's qualified defined benefit pension plan could be changed or terminated as a result of the Chapter 11 filing?**

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Yes, it is possible that changes to the Plan may occur.

While U.S. federal law protects qualified defined benefit pension plans from retroactive changes to plan benefits, it is possible that there could be changes to the qualified defined benefit pension plan in the future. Any such changes would be announced as appropriate. In the U.S., the Pension Benefit Guaranty Corporation also provides protection for qualified defined benefit pension programs.

**52. What happens if a qualified defined benefit pension plan is terminated?**

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If a qualified defined benefit pension plan is terminated, the liabilities of the plan are determined and the assets of the plan are used to satisfy those liabilities. If it is determined that the plan has sufficient assets, then all plan benefits are paid in accordance

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with the plan terms and the Employee Retirement Income Security Act of 1974 (ERISA). In the event that there are insufficient assets to pay all approved benefits, then the plan will be administered by the Pension Benefit Guaranty Corporation (PBGC), which is an independent agency chartered under federal law.

The rules governing distribution of plan assets are complex. Generally speaking, however, all reasonable administrative expenses are paid by the plan first. Then the plan's remaining assets would be distributed in accordance with guidelines of ERISA.

For more information about the PBGC insurance protections and its limitations, go to [www.pbgc.gov](http://www.pbgc.gov).

**53. Are the assets in the Hospital's 403(b) plans for retirees protected from creditors' claims in the bankruptcy proceedings?**

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Yes. Federal law protects the funds in 403(b) savings plans from the claims of a hospital's creditors. All individual 403(b) accounts are set up in the individual retiree's name. This means that the Hospital cannot use these assets to meet its other obligations or to pay its debts.

**54. What happens to the accounts of retirees who are participants in the 403(b) plan?**

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The assets in its 403(b) plans are held in a trust, which is separate from the hospital. These assets are protected under U.S. federal law against the claims of the Hospital's creditors, which means that the hospital can't use any of these assets to meet other obligations or to pay its debts. While the Hospital could make changes to such a plan during the reorganization proceedings, those changes would only affect future hospital contributions to the plan, not past contributions. Irrespective of the filings, all investments contained in an individual's 403(b) account are subject to some level of market risk.

**55. Will there be any impact on retiree medical benefits as a result of the filings?**

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There will be no changes to the retiree medical benefits as a result of the filing. [CONFIRM]

**56. Where should retirees go for information about the reorganization?**

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Information about the reorganization is posted on the external web site, (<http://chap11.epiqsystems.com/NGH/Project>), and these will be updated regularly. The Hospital will also communicate with you directly when there are significant developments to report.

**Patient Questions**

**57. How can I get additional information?**

Comment [122]: Should we indicate the dates specific operations will cease?

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Further information will be posted as available on the Hospital's restructuring website  
<http://chap11.epiqsystems.com/NGH/Project>

The hospital has provided contact phone numbers for various inquiries on its website at  
<http://www.northgeneral.org/>

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